

S.R. 68 - By Senator Herring: Extending congratulations to James C. Dingwall.

### ADJOURNMENT

On motion of Senator Aikin the Senate at 12:06 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

### FOURTEENTH DAY (Thursday, February 1, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

The following Senator was absent-excused: McKinnon.

A quorum was announced present.

The Reverend Clifford Zirkel of Tarrytown United Methodist Church, Austin, Texas, offered the invocation as follows:

Almighty God, as the Secretary calls the roll each day so that these Senators may record their presence here, so daily do you call them to indicate their response to your presence. O Lord, in every bill and proposal you are present, calling these your ministers to vote for righteousness rather than for what is expedient; to vote for justice rather than for special privilege; to vote for whatever ennobles all men rather than for what empowers a few. Keep these your servants mindful that politics without religious faith leads to a dehumanized society; and religion without political action leads to irrelevant sentimentality. Sustain and guide these Senators, O God, with a lively faith expressed in creative, courageous deeds. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

### LEAVE OF ABSENCE

Senator McKinnon was granted leave of absence for today on account of important business on motion of Senator Aikin.

### MESSAGE FROM THE HOUSE

Hall of the House of Representatives  
Austin, Texas, February 1, 1973

Honorable William P. Hobby

**President of the Senate**

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 19, Extending time for the State of Texas to prepare response to the draft report study by the National Water Commission (With Amendment).

S.C.R. 1, Creating the Texas Constitutional Revision Commission (With Amendments).

H.B. 183, A bill to be entitled An Act relating to the expiration of the Governor's Committee on Human Relations and providing an appropriation; amending Section 2, Chapter 446, Acts of the 61st Legislature, Regular Session, 1969 (Article 1c, Vernon's Texas Civil Statutes); and declaring an emergency.

S.C.R. 22, In memory of Martin Dies, Sr.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

**SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

By Senators Longoria and Santiesteban:

S.B. 136, A bill to be entitled An Act relating to the penalties for possession of cannabis, making the first offense a misdemeanor; amending Subsection (a) of and adding Subsection (d) to Section 23, and adding Section 23A, the Uniform Narcotic Drug Act, as amended (Article 725b, Vernon's Texas Penal Code); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Wolff:

S.B. 137, A bill to be entitled An Act authorizing the commissioners court of any county to prohibit the sale and use of fireworks in the unincorporated areas of the county; amending Article 2351, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Wolff and Traeger:

S.B. 138, A bill to be entitled An Act relating to the appointment and duties of a jail administrator in certain counties; amending Article 5116, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Wallace:

S.B. 139, A bill to be entitled An Act providing standards for state administrative agency practice and procedure; providing for review of state agency proceedings; repealing Chapter 274, Acts of the 57th Legislature, Regular Session, 1961 (Article 6252-13, Vernon's Texas Civil Statutes), and other laws in conflict; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Santiesteban:

S.B. 140, A bill to be entitled An Act relating to creation of the 244th Judicial District, composed of El Paso County; amending Subchapter C, Judicial

Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Section 3.041; and declaring an emergency.

To Committee on State Affairs.

By Senator Santiesteban:

S.B. 141, A bill to be entitled An Act relating to creation of the 243rd Judicial District, composed of El Paso County; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Section 3.040; and declaring an emergency.

To Committee on State Affairs.

By Senator Snelson:

S.B. 142, A bill to be entitled An Act authorizing the Texas Highway Department to issue special permits for the movement of unladen lift equipment motor vehicles exceeding certain weight and length limitations; and declaring an emergency.

To Committee on State Affairs.

By Senators Adams and McKnight:

S.B. 143, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of the Mabank-Kemp Hospital District, under Article IX, Section 9, of the Texas Constitution; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Hightower:

S.B. 144, A bill to be entitled An Act relating to the fees to be paid to the Board of Barber Examiners for renewal and issuance of certificates of registrations and examinations; amending Subsection (G) of Section 3, Subsections (f) and (h) of Section 9, Subsection (b) of Section 14, Sections 20, 20a, and 23, and adding Section 23a, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 734a, Vernon's Texas Penal Code); providing an effective date; and declaring an emergency.

To Committee on State Affairs.

By Senator Hightower:

S.B. 145, A bill to be entitled An Act relating to the authority of the Wilbarger County Hospital District to transfer, sell, and lease property owned by the district and relating to the terms of office of the directors of the district; adding Section 4a to and amending Section 3 of Chapter 6, Acts of the 59th Legislature, Regular Session, 1965; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Hightower:

S.B. 146, A bill to be entitled An Act relating to educational programs in health care sciences offered by Midwestern University in conjunction with the United States Air Force; amending Chapter 103, Texas Education Code, by adding Section 103.10; and declaring an emergency.

To Committee on Education.

By Senator Gammage:

S.B. 147, A bill to be entitled An Act relating to the creation, administration, and powers and duties of the Office of Legal Representative for Inmates of the Texas Youth Council; and declaring an emergency.

To Committee on Human Resources.

By Senator Gammage:

S.B. 148, A bill to be entitled An Act relating to the creation of the constitutional office of criminal district attorney for Fort Bend County; abolishing the office of county attorney for Fort Bend County; and declaring an

emergency.

To Committee on Intergovernmental Relations.

By Senator Moore:

S.B. 149, A bill to be entitled An Act relating to the liability for civil damages of a person legally qualified to practice medicine who administers emergency care under certain conditions in a hospital emergency room; amending Section 1, Chapter 317, Acts of the 57th Legislature, Regular Session, 1961 (Article 1a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Moore:

S.B. 150, A bill to be entitled An Act defining Public Utilities and providing for their regulation; providing for the creation of the "Public Utility Commission of Texas" and for the appointment of the Commissioners and the fixing of their qualifications and compensation; prescribing their duties and powers and the manner in which the jurisdiction and power herein conferred shall be exercised; providing for employees and salaries; providing for hearings and appeals and other procedures for regulation; providing for appeals to the courts and the procedures in the courts; preventing the unnecessary duplication of facilities; providing for the repeal of all laws and parts of laws in conflict herewith; and declaring an emergency.

To Committee on State Affairs.

By Senator Blanchard:

S.C.R. 26, Granting permission to Philip Gant, Jr. to sue State of Texas.

To Committee on Jurisprudence.

#### COMMUNICATION FROM STATE BOARD OF EDUCATION

January , 29, 1973

Honorable William P. Hobby  
Lieutenant Governor of Texas  
Senate Chamber  
Capitol Building  
Austin, Texas

Dear Governor Hobby:

At its meeting on January 13, 1973, the Texas State Board of Education reappointed Dr. J. W. Edgar as the State Commissioner of Education for a four-year term beginning June 1, 1973 and ending May 31, 1977, subject to confirmation by the Senate.

We shall appreciate your submission of this appointment to the Senate.

Very truly yours,  
BEN R. HOWELL, Chairman  
State Board of Education

The communication was read and referred to the Committee on Education.

#### HOUSE BILL ON FIRST READING

The following bill received from the House, was read the first time and referred to the Committee indicated:

H.B. 183, To Committee on Human Resources.

**SENATE CONCURRENT RESOLUTION 19 WITH HOUSE AMENDMENT**

Senator Harrington called S.C.R. 19 from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate:

**AMENDMENT NO. 1**

Amend S.C.R. 19 by striking the first Resolving clause and substituting the following:

"RESOLVED by the Senate of Texas, the House of Representatives concurring, that the time be extended for the State of Texas to prepare additional response to the draft report for at least 18 months in order to allow adequate time for the submission of additional State's response; and Be It Further".

The House amendment was read.

Senator Harrington moved that the Senate concur in the House Amendment to the resolution.

The motion prevailed

**SENATE BILL 31 LAID ON TABLE SUBJECT TO CALL**

On motion of Senator Longoria and by unanimous consent, S.B. 31 was Laid on Table Subject to Call.

**NOMINATION RE-REFERRED**

On motion of Senator Creighton and by unanimous consent, the nomination of Ray Kirkpatrick to be Chairman of the State Board of Insurance was withdrawn from the Committee on State Affairs, Sub-committee on Nominations and re-referred to the Committee on Economic Development.

**SENATE CONCURRENT RESOLUTION 1 WITH HOUSE AMENDMENTS**

Senator Wolff called S.C.R. 1 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and the House amendments before the Senate:

**COMMITTEE AMENDMENT NO. 1**

Amend S.C.R. 1 by adding Subsection (g) to Section 9 said new Subsection (g) to read as follows:

"(g) All papers, documents, and work product of the commission shall be public records, and shall be made available to the public for inspection and copying at reasonable times and places."

**COMMITTEE AMENDMENT NO. 2**

Amend S.C.R. 1 Paragraph B of Section 9 by adding a new sentence to read as follows:

"Said open public hearings shall receive as much advanced publicity as possible as to the place and time of said meeting so as to allow as many citizens as possible who desire to participate."

#### **COMMITTEE AMENDMENT NO. 3**

Amend S.C.R. 1 Section 5 by striking: "The commission shall meet initially in Austin, Travis County, Texas at the call of the chairman." to read as follows:

"The commission shall meet initially in Austin, Travis County, Texas at the call of the chairman no later than 14 days after the date the appointment process is completed."

#### **COMMITTEE AMENDMENT NO. 4**

Amend S.C.R. 1 by renumbering Subsection (c) of Section 3 as Subsection (f) and inserting a new Subsection (e) to read as follows:

"(e) The secretary of state shall transmit a true copy of the certificate of appointment to the lieutenant governor and to the speaker. On the same day or the next legislative day, the lieutenant governor and the speaker shall each announce in open session the names of those appointed. The secretary of state shall prepare and make available in his office a petition of nonconcurrence. During the period ending with the 10th calendar day following the day the appointments are announced in open session, or if the 10th day is a Saturday, Sunday, or legal holiday, the next following business day of the secretary of state, any member of the legislature may personally appear in the office of the secretary of state during regular business hours and sign the petition of nonconcurrence. If, during the prescribed period, fewer than 91 members sign the petition, the appointments shall be considered in all respects ratified and confirmed. If, during that period, as many as 91 members of the legislature sign the petition, the appointments shall be considered rejected; the secretary of state shall so notify the governor, and the appointment committee shall submit another certificate of appointment which shall be subject to the same process of legislative review as was the original. The appointment committee may reappoint any one or more or all of those persons named as appointees in any earlier appointment process, and the entire appointment and review process shall be repeated as many times as necessary to achieve confirmation."

#### **FLOOR AMENDMENT NO. 1**

Amend S.C.R. 1 by striking all of Subsection (d) in Section 3 and substitute in lieu thereof the following:

"(d) The appointment shall be formalized by filing with the secretary of state a certificate of appointment identifying all 37 persons appointed to the commission and the appointment committee shall designate one of them chairman and one of them vice-chairman of the commission. The certificate of appointment must be signed by at least four members of the appointment committee."

#### **FLOOR AMENDMENT NO. 2**

Amend S.C.R. 1 by striking Subsection (a) of Section 3 and adding a new Subsection (a) to read as follows:

"(a) The commission shall be composed of 37 members fairly and equitably representative of the sexes, ethnic groups, social groups, economic groups, and geographic regions of the state."

**FLOOR AMENDMENT NO. 3**

Amend S.C.R. 1 by adding a sentence at the end of Subsection (d) of Section 9 to read as follows:

"The Commission shall make its report, which is due to the Legislature on November 1, 1973, available to citizens and public libraries by no later than December 31, 1973."

**FLOOR AMENDMENT NO. 4**

Amend S.C.R. 1 by striking the last sentence of Subsection (c) of Section 3 and substituting the following:

"Except as otherwise provided in this subsection, all meetings and deliberations of the appointment committee shall be open to the public and shall be subject to the public notice requirements of the Open Meetings Law (Article 6252-17, Vernon's Texas Civil Statutes). Once a meeting begins following compliance with these requirements, the committee by majority vote may close the meeting for the purpose of deliberating and considering proposed appointees, but shall reconvene in the place where the meeting began before adjourning. Whenever any deliberations or any portion of a meeting are closed to the public as permitted by this subsection, no final action, decision, or vote with regard to any matter considered in the closed meeting shall be made except in a meeting which is open to the public and in compliance with the requirements prescribed in this subsection."

The House amendments were read.

Senator Wolff moved that the Senate concur in House amendments to the resolution.

Senator Creighton made a substitute motion that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the resolution.

Question on the motion to not concur in House amendments to the resolution, the motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Adams, Blanchard, Braecklein, Clower, Creighton, Harrington, Herring, Jones, Kothmann, Mauzy, McKnight, Meier, Moore, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger and Wallace.

Nays: Aikin, Andujar, Brooks, Gammage, Harris, Hightower, Longoria, Mengden, Santiesteban and Wolff.

Absent-excused: McKinnon.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Wolff, Harris, Creighton, McKinnon and Traeger.

**SENATE CONCURRENT RESOLUTION 11 ON SECOND READING**

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

S.C.R. 11, Granting permission to T. F. Jenkins, et al., to sue the

State of Texas.

The resolution was read second time and was adopted.

**REPORT OF STANDING COMMITTEE**

Senator Wallace submitted the following report for the Committee on Intergovernmental Relations:

S.B. 12

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, February 1, 1973

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 21, In memory of Attorney General Crawford Martin.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

**SENATE BILL 2 ON SECOND READING**

Senator Schwartz moved that Senate Rules 12 and 89 and Section 5 of Article III of the Constitution be suspended and that S.B. 2 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Hightower, Jones, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Snelson, Traeger, Wallace and Wolff.

Nays: Harrington, Harris, Herring and Sherman.

Absent-excused: McKinnon.

Absent: Creighton.

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S.B. 2, A bill to be entitled An Act relating to capital improvements for the University of Houston at Clear Lake City and for the Texas Maritime Academy and Moody College of Marine Sciences and Maritime Resources; amending Subchapter B, Chapter 55, Texas Education Code, as amended; and declaring an emergency.

The bill was read the second time.

Senator Schwartz offered the following Committee Amendment to the bill:



Amend S.B. 2 by striking the words and numbers "\$30 million" and substituting in lieu thereof the words "\$40 million" in Section 1.(a).

The Committee Amendment was read and was adopted.

Senator Brooks offered the following amendment to the bill:

Amend S.B. 2 by adding a new Subsection (c) to Section 1 to read as follows:

"(c) Tuition revenue of Prairie View A and M College and Tarleton State College is specifically exempted from being pledged under the provisions of this bill."

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was then passed to engrossment.

#### **RECORD OF VOTES**

Senators Herring, Harrington, Mauzy, Clower, Harris and Sherman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **MEMORIAL RESOLUTIONS**

S.R. 69 - By Senator Sherman: Memorial resolution for Lee Bivins.

S.R. 71 - By Senator Blanchard: Memorial resolution for Captain Edwin L. Posey.

S.R. 72 - By Senator Blanchard: Memorial resolution for Marvin B. Hilburn.

S.R. 74 - By Senator Herring: Memorial resolution for Claude Pharies.

S.R. 76 - By Senator Herring: Memorial resolution for Herbert O. Paul.

S.R. 77 - By Senator Snelson: Memorial resolution for Mrs. Bennie Bell Brite Hays.

S.R. 78 - By Senator Snelson: Memorial resolution for Dr. Herbert Haynie Wilson.

#### **WELCOME AND CONGRATULATORY RESOLUTIONS**

S.R. 70 - By Senator Mauzy: Extending welcome to Jim Ross.

S.R. 73 - By Senator Blanchard: Extending congratulations to Mrs. Wray D. Storey.

S.R. 75 - By Senator Herring: Extending congratulations to Merle E. Wells.

S.R. 79 - By Senator Aikin: Extending welcome to Martha Ann Lugades.

**ADJOURNMENT**

On motion of Senator Aikin the Senate at 11:35 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, February 5, 1973.

**In Memory of  
Crawford Martin**

The President laid before the Senate the following resolution:

(House Concurrent Resolution 21)

WHEREAS, Attorney General Crawford Martin dedicated 24 years of distinguished public service to Texas; his devotion to the improvement and progress of his state and the betterment of his fellow Texans has left Texas and its citizens much richer for his having been such an integral part of state government. His tragic and sudden death on Friday, December 29, 1972, which was his last day in the office of Attorney General, shocked and saddened Texans across the state and citizens throughout the nation; and

WHEREAS, While General Martin was a soft-spoken and much loved Texan, he was also a widely experienced politician, eminent lawmaker, and venerated statesman. Deservingly, he won the utmost respect from his fellow legislators during his 14 years in the Senate. His knowledge of the law was formidable, as was his dedication indefatigable in serving his constituents and his state in the finest tradition of the Texas Senate; and

WHEREAS, His illustrious career in public service began in 1946, when he was elected mayor of Hillsboro. After serving two terms as mayor of his city, he was elected by the people of his county and surrounding areas to the Texas Senate, a true expression of the trust and confidence which he inspired in them, as he did in all who knew him; and

WHEREAS, As a member of the Senate, he was following in the footsteps of his father, the late Senator Will Martin. The young Crawford Martin served his first term in the 51st Legislature in 1949, and so began a history of outstanding legislative accomplishments. His leadership abilities were immediately recognized as were his talents for organization, his sense of fair judgment, and his political acumen. He earned a reputation for down-to-earth, practical competency, coupled with a zeal for progress and a determination to improve the lot of his fellow citizens; and

WHEREAS, People of Texas appreciate Crawford Martin's years in the Senate for many accomplishments of tremendous import almost taken for granted today. Legislation he sponsored provided a hospitalization insurance program and nursing-home care for Texas Old Age Assistance recipients. He helped reorganize the Texas Industrial Commission to attract new business to Texas. This esteemed statesman worked hard and inexhaustibly to reform insurance law, strengthen the criminal code, and to improve treatment for the mentally ill. Legislation originating in his office covered a multitude of topics, all designed to serve the public and the state effectively and efficiently; and

WHEREAS, In 1962 he ran without success for Lieutenant Governor; however, in 1963, then Governor John Connally appointed him Secretary of State. In this position he served with distinction and honor until 1966, when he resigned the post to reenter the political arena by running successfully for Attorney General. Always known as a good campaigner and astute politician, in his bid for reelection for his third term as Attorney General in 1970, he received more votes than any statewide candidate; and

WHEREAS, As Attorney General his reputation as a superior lawyer spread, not only due to his frequent appearances before the Supreme Court, but also as a result of the enlightened administration of his new office. Concerned about the protection of Texas citizens, he took it upon himself to provide, as a

service to Texans, a column from the Attorney General's office entitled "The Informed Consumer." His entire administration was distinguished by innovative and advanced thinking, as well as action that was positive and significant; and

WHEREAS, The state will find it difficult to replace a statesman and leader of the magnitude of General Martin. Perhaps Governor Preston Smith, in a few simple words, best captured the essence of his career: "Crawford Martin has held many positions of honor and trust in Texas state government and throughout his career he has been dedicated to the welfare of our state . . . . He was a distinguished public servant and his passing will be mourned by many Texans." He must be remembered, also, in the words of Lieutenant Governor Ben Barnes, as "a warm human being as well as a dedicated public official"; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 63rd Legislature pay tribute to the memorable life and governmental career of Attorney General Crawford Martin, and extend deepest sympathy to the members of his family: to his wife, Mrs. Margaret Martin; his son, Jim Martin of Houston; two daughters, Miss Nancy Martin, a student at Southwest Texas State University in San Marcos, and Mrs. Tom Hill of Victoria; a brother, William Martin of Hillsboro; a sister, Mrs. Bill Daniel of Liberty; and a grandson, Martin Thomas Hill of Victoria; and, be it further

RESOLVED, That official copies of this Resolution be prepared for his family as an expression of sympathy from the Legislature of the State of Texas, and that when the Senate and House of Representatives adjourn this day, they do so in memory of Attorney General Crawford Martin, whose service to the State of Texas was one of the finest and most dedicated in history.

The resolution was read.

On motion of Senator Creighton and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Herring the resolution was adopted by a rising vote of the Senate.